

Assembly Joint Resolution No. 19

RESOLUTION CHAPTER 120

Assembly Joint Resolution No. 19—Relative to marriage.

[Filed with Secretary of State September 7, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 19, Brownley. Marriage.

This measure would call upon the Congress and the President of the United States to repeal the discriminatory Defense of Marriage Act.

WHEREAS, Thousands of same-sex couples in California were legally married following the California Supreme Court's May 2008 decision in *In re Marriage Cases*, prior to the passage of the discriminatory Proposition 8, which purported to prospectively eliminate the right of same-sex couples to marry in this state; and

WHEREAS, The Defense of Marriage Act is a federal law passed on September 21, 1996, and codified at Section 7 of Title 1 and Section 1738C of Title 28 of the United States Code; and

WHEREAS, The Defense of Marriage Act provides that the United States government will not recognize or give effect to marriages between persons of the same sex for purposes of federal law; and

WHEREAS, The Defense of Marriage Act excludes same-sex couples who are legally married in California from accessing the more than 1,000 federal rights and benefits that are afforded to opposite-sex spouses; and

WHEREAS, Among the critical rights and benefits that federal law provides to protect couples and families are the right to sponsor a spouse for immigration benefits, the right to access Social Security survivors benefits, the right to receive health insurance from a federal employee spouse, the right to file federal income taxes jointly, and hundreds of other crucial protections; and

WHEREAS, Among other discriminatory harms, because of the Defense of Marriage Act, workers in California must pay federal income taxes on the value of health benefits provided by an employer to the same-sex spouse of an employee, while health benefits provided to opposite-sex spouses are not taxed, and this discrimination results in serious financial detriment to many same-sex couples and their families in California; and

WHEREAS, The Defense of Marriage Act provides that no state is required to give effect to any public act, record, or judicial proceeding of any other state respecting a relationship between persons of the same sex that is treated as a marriage under the laws of the other state or a right or claim arising from that relationship; and

WHEREAS, The Defense of Marriage Act, therefore, authorizes other states to discriminate against same-sex couples who are legally married in California by refusing to recognize or protect their relationships when they travel outside of California; and

WHEREAS, The Defense of Marriage Act causes significant harm and unfairly discriminates against committed same-sex couples and their families; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature calls upon the Congress and the President of the United States to repeal the discriminatory Defense of Marriage Act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to each Senator and Representative in the Congress of the United States, and to the presiding officer of each house of each state legislature of the several states.